

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.121.301)	NOTICE OF AMENDMENT
definitions, 24.121.407 premises and general)	AND ADOPTION
requirements, 24.121.601 and 24.121.605)	
applications for licensure, 24.121.803, 24.121.805,)	
24.121.807, and 24.121.809 school-facility and)	
operation, 24.121.1105 teacher-training curriculum,)	
24.121.1301 salons/booth rental, 24.121.1501,)	
24.121.1507, 24.121.1509, 24.121.1511,)	
24.121.1513, 24.121.1515, 24.121.1517,)	
24.121.1519, and 24.121.1521 sanitary standards,)	
24.121.2301 unprofessional conduct, and the)	
adoption of NEW RULE I anonymous complaints,)	
NEW RULE II disinfecting agents, and NEW RULE)	
III blood spills)	

TO: All Concerned Persons

1. On October 4, 2007, the Board of Barbers and Cosmetologists (board) published MAR Notice No. 24-121-5 regarding the proposed amendment and adoption of the above-stated rules, at page 1502 of the 2007 Montana Administrative Register, issue no. 19.

2. On October 29, 2007, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the November 6, 2007, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: In reference to ARM 24.121.601, one commenter stated that although applicants should have to complete more class hours to qualify for an additional license, the extra hours should be equitable regardless of whether a barber seeks a cosmetology license or a cosmetologist seeks a barbering license. The commenter stated that 125 hours is not enough time to learn how to properly clipper cut hair and 25 hours is not enough time to properly learn shaving as shaving alone was a 4-week program mixed in with other studies.

RESPONSE 1: The board wholly understands the concerns raised by the commenter but declines to modify the hours required in (7) or (8) because the board concluded that 150 hours is enough time for cosmetologists to adequately learn the basic skills of clipper cuts (which a cosmetologist already performs) and shaving,

while 150 hours is not enough time for a licensed barber to learn the additional skills, such as waxing, artificial nails, and facials, needed to obtain a cosmetologist license.

COMMENT 2: In reference to ARM 24.121.1105, one commenter stated that the words, "withdrawal forms," or the word, "forms" should be stricken from (1)(c)(iii) because schools have different withdrawal procedures and may not use an actual form. The commenter also suggested including the subject of student recruitment with public relations in (1)(b)(v) because if not specifically listed, it won't be taught.

RESPONSE 2: The board agrees with the commenter and is striking "forms" from (1)(c)(iii), (2)(c)(iii), and (3)(c)(iii). The board is not adding the subject of student recruitment to (1)(b)(v) as it is already under "Business Methods" in this rule.

COMMENT 3: In reference to ARM 24.121.1511, one commenter suggested deleting metal implements from (3)(a) and adding the term to (3) since metal implements need to be totally immersed, not just sprayed and wiped. This would make (3) more clear as to wiping and spraying nonimmersible and electrical items.

RESPONSE 3: The board agrees and is amending (3) accordingly.

COMMENT 4: In reference to ARM 24.121.1517(2)(e)(i), one commenter opined that the word "phenol" may cause problems because tuberculocidals are phenolics.

RESPONSE 4: The board notes that (2)(e)(i) states that phenol is prohibited for chemical exfoliation purposes and is amending the rule exactly as proposed.

COMMENT 5: One commenter suggested changing "and" to "or" in (3)(a) of NEW RULE II because using "and" implies that licensees will be expected to have two disinfectants on site, one for everyday use and one for blood spills. The commenter does not believe this was the board's intent and stated that it is not consistent with the National-Interstate Council of State Boards of Cosmetology's standard set by the Centers for Disease Control.

RESPONSE 5: The board agrees with the commenter and is amending (3)(a) accordingly.

4. The board has amended ARM 24.121.301, 24.121.407, 24.121.601, 24.121.605, 24.121.803, 24.121.805, 24.121.807, 24.121.809, 24.121.1301, 24.121.1501, 24.121.1507, 24.121.1509, 24.121.1513, 24.121.1515, 24.121.1517, 24.121.1519, 24.121.1521, and 24.121.2301 exactly as proposed.

5. The board has amended ARM 24.121.1105 and 24.121.1511 with the following changes, stricken matter interlined, new matter underlined:

24.121.1105 TEACHER-TRAINING CURRICULUM (1) through (1)(c)(ii) remain as proposed.

- (iii) student registration, withdrawal ~~forms~~, and hours (tracking, completing, calculating, and verifying);
- (iv) through (2)(c)(ii) remain as proposed.
- (iii) student registration, withdrawal ~~forms~~, and hours (tracking, completing, calculating, and verifying);
- (iv) through (3)(c)(ii) remain as proposed.
- (iii) student registration, withdrawal ~~forms~~, and hours (tracking, completing, calculating, and verifying);
- (iv) through (3)(e) remain as proposed.

24.121.1511 SANITIZING AND DISINFECTING IMPLEMENTS AND EQUIPMENT (1) and (2) remain as proposed.

(3) All implements, including metal, must be completely immersed in a board approved disinfecting agent of proper strength and for the necessary time period according to manufacturer instructions.

(a) All nonimmersible equipment ~~and metal implements~~ must be sanitized with a detergent solution and wiped or sprayed with a board approved disinfecting agent.

(4) through (11) remain as proposed.

6. The board has adopted NEW RULE I (24.121.404) and NEW RULE III (24.121.1522) exactly as proposed.

7. The board has adopted NEW RULE II (24.121.1514) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II DISINFECTING AGENTS (1) through (3) remain as proposed.

(a) a disinfectant that is effective against HIV-1, human Hepatitis B virus, ~~and~~ or Tuberculocidal for equipment and implements that have come in contact with blood, bodily fluids, and/or mucous membrane; and

(b) remains as proposed.

BOARD OF BARBERS AND COSMETOLOGISTS
WENDELL PETERSEN, PRESIDING OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 19, 2008